

09/928,546

REMARKS

Claims 16-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are now believed definite in view of the amended claims upon which claims 16-18 are dependent, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection and are not directed at distinguishing the present invention from the art of record in this case.

The Examiner has rejected claims 2-5, 9, 10, 12, 23, 24, 26-28, 32, 41 and 50 under 35 U.S.C. § 251 as being an improper recapture of broadened claim subject matter surrendered in the application for a patent upon which the present reissue is based. In view of the Examiner's indication that the Applicant may amend the claims 2-32 to include a plurality of trays to overcome the recapture rejection, the Applicant has amended the claims to include this feature. The Applicant refutes the Examiner's allegation that this subject matter was surrendered during previous prosecution of the application, however, in order to expedite prosecution of the present application, the Applicant has accordingly amended the above noted claims and herewith submits a new Declaration to reflect the above amended subject matter.

The Applicant thanks the Examiner for indicating that claim 1 is allowable and in view thereof the Applicant believes claims 1-5, 9-12, 16-28, 32, 41 and 50 are now allowable.

11/06/03 3:30 PM

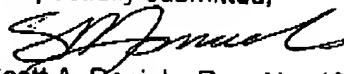
If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

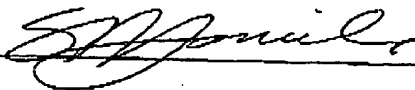
Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: November 6, 2003.



Scott A. Daniels

Type name of person signing certificate